

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TIFFANY JAMIL FLENAUGH,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS,

Defendant.

CASE NO. C23-5802 BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge David W. Christel's Report and Recommendation (R&R), Dkt. 3, recommending the Court deny pro se plaintiff Tiffany Flenaugh's application to proceed *in forma pauperis*, Dkt. 1, and dismiss the case. Flenaugh seeks just over \$18,000 from the Alaska Department of Corrections, claiming it failed to return her purse when she was released from custody. She asserts that this Court has diversity jurisdiction over the claim. Dkts. 1-1 and 1-2. The R&R concludes that even if the parties are diverse, the required amount in controversy for federal diversity jurisdiction (\$75,000) has not been and cannot be met. Flenaugh has not objected to the R&R, though the Court has twice extended the time for doing so. Dkts. 7 and November 8, 2023 Minute Order.

1 A district court “shall make a de novo determination of those portions of the report
2 or specified proposed finding or recommendations *to which objection is made.*” 28
3 U.S.C. § 636(b)(1)(C) (emphasis added); *accord* Fed. R. Civ. P. 72(b)(3). “The statute
4 makes it clear that the district judge must review the magistrate judge’s findings and
5 recommendations de novo *if objection is made*, but not otherwise.” *United States v.*
6 *Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). A proper objection requires
7 “specific written objections to the proposed findings and recommendations” in the R&R.
8 Fed. R. Civ. P. 72(b)(2).

9 The R&R is **ADOPTED**. Flenaugh’s motion for leave to proceed *in forma*
10 *pauperis* is **DENIED**, and this matter is **DISMISSED** without prejudice and without
11 leave to amend.

12 The Clerk shall enter a **JUDGMENT** and close the case.

13 **IT IS SO ORDERED.**

14 Dated this 27th day of November, 2023.

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17 BENJAMIN H. SETTLE
18 United States District Judge
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